

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

THEODORE KNIGHT AND

KELLI KNIGHT

PLAINTIFFS

VS.

NO. 2:15cv00063 JM

PAVEL KRUTS AND

FEDOR TAGINTSEU

DEFENDANTS

JOINT MOTION TO SUBSTITUTE NAME OF DEFENDANT FOR NAME OF REAL PARTY IN
INTEREST AND CHANGE CASE CAPTION PURSUANT TO RULE 17 (B) AND 25(C) OF
THE FEDERAL RULES OF CIVIL PROCEDURE

AND

MOTION TO REMOVE KEVIN KELLEY AS PLAINTIFF'S CO-COUNSEL

Come now Plaintiffs, THEODORE KNIGHT AND KELLI KNIGHT, in the above cause and move the Honorable Court to correct the name of a Defendant, FEDOR TAGINTSEU and hereby move for an order permitting the substitution of Transporting Cars Champion, Inc. and for grounds therefore state as follows:

1. Plaintiff filed a complaint against defendants on March 17, 2015 in District Court. (Docket Entry # 2). The suit incorrectly named a Defendant as FEDOR TAGINTSEU.

2. That suit was removed to this Court on April 21, 2015. (Docket Entry # 1).

3. On April 21, 2015, defendant PAVEL KRUTS filed the answer to the complaint (Docket Entry # 3).

4. Plaintiffs have since discovered that the true correct name of alleged responsible codefendant is Transporting Cars Champion, Inc. and that its place of business is 9960 Business Park Dr., Suite 100, Sacramento, California, 95827.

5. Defendant Counsel has informed Plaintiff's counsel that he will accept service for substituted Defendant as he represents both parties.

6. Second, Plaintiffs move to remove Kevin Kelley as attorney of record.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs request that the name of said Defendant be corrected to read as follows:

Transporting Cars Champion, Inc.

Plaintiffs move to change the case caption to reflect the substitution of Transporting Cars Champion, Inc., removing FEDOR TAGINTSEU.

For the foregoing reasons, the Plaintiffs respectfully request that this Court substitute the Transporting Cars Champion, Inc. as codefendant in this action.

Plaintiffs also move to totally remove Kevin Kelley as their attorney of record and choose to move forward with Joe Smith as attorney.

Respectfully submitted,

Smith Law Firm
3201 Maple Ave., Suite 400
Dallas, Texas 75201

By: //s// Joe Smith
JOE SMITH
For Plaintiffs

ANDERSON, MURPHY & HOPKINS, LLP
400 W. Capitol Avenue, Suite 2400
Little Rock, Arkansas 72201

By: //s// Michael P. Vanderford
MICHAEL P. VANDERFORD
For Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing and further certify that I have caused a copy of the above and foregoing to be served on other parties of record listed by placing a copy of same in the United States mail, first class postage prepaid and properly addressed on this same day.

/s/ Joe Smith

Joe Smith